

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

CASE NO. 8:05CR245

Plaintiff,

vs.

ORDER

CHARLES E. WIIG,

Defendant.

This matter is before the Court on the Defendant's motions for leave to file a motion for new trial out of time (Filing No. 22) and for new trial (Filing No. 23). The motion for new trial is supported by a brief (Filing No. 24).

The motion for leave to file the motion for new trial out of time is granted. With respect to the motion for new trial filed pursuant to Federal Rule of Criminal Procedure 33(a), the issues presented relate to the allowance of prior nolo contendere convictions and allegedly prejudicial evidence of a prior drug possession offense. The Court has carefully considered the issues raised in the motion and supporting brief. The motion for new trial is denied.

IT IS ORDERED:

1. The Defendant's motion for leave to file a motion for new trial out of time (Filing No. 22) is granted; and
2. The Defendant's motion for new trial (Filing No. 23) is denied.

DATED this 5th day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge